

Update: Friend of the Court Domestic Violence Resource Book

CHAPTER 2

Screening and Case Management

2.13 Confidentiality of Records Identifying the Whereabouts of Abused Individuals

A. Confidentiality in Friend of the Court Records Generally

Effective September 11, 2002, MCR 8.119(F)(2) requires a court to consider the following criteria when determining whether good cause exists to seal court records:

“(a) the interests of the parties, including, where there is an allegation of domestic violence, the safety of the alleged or potential victim of the domestic violence, and

“(b) the interest of the public.”

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B. Complaint and Verified Statement

1. Information That Must Be Disclosed

The last paragraph of this sub-subsection refers to MCL 600.659 of the Uniform Child Custody Jurisdiction Act (UCCJA). That provision required parties to disclose a child's current and past addresses. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) superseded the UCCJA. See 2001 PA 195. MCR 3.206(A)(3) was amended effective September 11, 2002. A complaint or affidavit must now contain the information required by MCL 722.1209 of the UCCJEA.

In language very similar to that of its predecessor, this section provides in part that, subject to state confidentiality law regarding identifying information:

“each party, in its first pleading or in an attached sworn statement, shall give information, if reasonably ascertainable, under oath as to the child's present address, the places where the child has lived during the last 5 years, and the names and present addresses of the persons with whom the child has lived during that period.”

However, MCL 722.1209(5) provides as follows:

“If a party alleges in a sworn statement or a pleading under oath that a party's or child's health, safety, or liberty would be put at risk by the disclosure of identifying information, the court shall seal and not disclose that information to the other party or the public unless the court orders the disclosure after a hearing in which the court considers the party's or child's health, safety, and liberty and determines that the disclosure is in the interest of justice.”

Chapter 7

Personal Protection Orders

7.1 Importance of Personal Protection Orders in Domestic Relations Actions

The definition of personal protection order now includes a foreign protection order enforceable in Michigan under MCL 600.2950/. MCR 3.708(A)(1).

Chapter 7

Personal Protection Orders

7.4 Procedures for Issuing PPOs

B. Ex Parte Proceedings

Effective September 11, 2002, MCR 3.705(A)(2) states that “[i]n a proceeding under MCL 600.2950a [non-domestic stalking PPO], the court must state in writing the specific reasons for issuance of the order.”

Chapter 7

Personal Protection Orders

7.4 Procedures for Issuing PPOs

C. Hearing Procedures

Effective September 11, 2002, MCR 3.705(B)(6) requires a court to state in writing the specific reasons for issuing a non-domestic stalking PPO. MCR 3.705(B)(6).